IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 101 (SS) OF 2006

Tripan Singh, Const/G.D. NO. 5/000100203
Sashastra Sena Bal, 3rd Battalion, Almora. .....Petitioner.

Versus

1. Union of India, through D.G.P. SSB, R.K. Puram, New Delhi.
2. Commandant, 3rd Battalion, SSB, Almora.
3. Gaina Singh (Head Constable)
   3rd Battalion, SSB, Almora.
4. S.I.G.D. Govind Singh, Butola,
   3rd Battalion, SSB, Almora.
5. Kailash Chandra Saklani (SIGD),
   3rd Battalion, SSB, Almora. .....Respondents.

13.02.2006

Hon'ble Rajesh Tandon, J.

Heard Mr. Vipul Painuly and Mohinder Singh Bisht, learned counsel for the petitioner and learned Standing counsel for the Central Government.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to set up impartial inquiry and to delete the punishment awarded in the GD against the petitioner.

Brief facts giving rise to the present writ petition are that the petitioner was appointed on the post of Constable (G.D.) in S.S.B. on 31.08.2000 and at present he is posted in 3rd Battalion, S.S.B., Almora.

According to the petitioner, he was suffering from typhoid and he was advised by the Chief Medical Officer to take bed rest for a week from 01.07.2004 to 07.07.2004.

On 03.07.2004 at about 6.45 pm the petitioner was patient of typhoid, who was sitting in mess for taking the medicine and waiting for the tea and snack, the respondent no.

3 entered into the mess and ordered the petitioner to do work, the petitioner requested and apprised the respondent about his sickness, illness. The respondent no. 3 became annoyed and used the filthy language against the petitioner. The petitioner requested the respondent no. 3 not to do so, but the respondent no. 3 over looked the request of the petitioner and beat him badly and severally.

The grievance of the petitioner is that he has sustained injuries caused by the respondent no. 3 and due to injury the blood started coming out from left ear of the petitioner and due to the said injuries the petitioner was suffering from tremendous pain in his throats, abdomen and left side of rabies.

Learned counsel for the petitioner has submitted that the above injuries were also corroborated by the Medical Examination.

The petitioner on the same day reported to the Commanding Officer regarding the conduct took place on 03.07.2004, but the Commanding Officer did not pay any heed on the complaint of the petitioner.

So far as the grievance of the petitioner for impartial inquiry is concerned, a perusal of the order passed by the Staff Officer shows that the inquiry has already been set up and the result is still awaited.

The respondents, therefore, are directed to expedite the inquiry and therefore, the prayer no. 1 for directing the respondents to set up impartial inquiry at present does not require any further order inasmuch as the inquiry is already pending and the result is awaited.

So far as the prayer with regard to the deletion of the entry in G.D. against the petitioner is concerned, he has already made a representation on 28.09.2004.

The respondent no. 2, therefore, is directed to decide the representation of the petitioner. Needless to say that both the results will depend upon the outcome of the inquiry, which is sought to be decided as per letter of the Staff Officer.

In view of the aforesaid, respondents are directed to expedite both the matters preferably within a period of six weeks from the filing of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

14.02.2006
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